

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 2, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Michael A. Sturtevant, (301) 713-2390 or michael.a.sturtevant@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA has established a program to reduce excess fishing capacity by paying fishermen to (1) surrender their fishing permits or (2) both surrender their permits and either scrap their vessels or restrict vessel titles to prevent fishing. The buybacks can be funded by a Federal loan to the industry or by direct Federal or other funding. Depending upon the type of buyback involved, the program can entail the submission of buyback requests by industry; the submission of bids; referenda, if fishery participants; and reporting of the collection of fees to repay a Federal loan. For buybacks involving State-managed fisheries, the State may need to develop the buyback plan and comply with other information requirements.

II. Method of Collection

Paper forms.

III. Data

OMB Number: 0648-0376.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; individuals or households; and State, local, or tribal government.

Estimated Number of Respondents: 1,272.

Estimated Time Per Response: 6,634 hours for a business plan; 4 hours for a referenda vote; 4 hours for an invitation to bid; 10 minutes to submit a fish ticket; 2 hours for a monthly buyer report; 4 hours for an annual buyer

report; 2 hours for a seller/buyer report; 270 hours for a state approval of plans and amendments to state fishery management plan; and 1 hour for advising of any holder or owner claims that conflict with accepted bidders' representations about reduction permit ownership or reduction vessel ownership.

Estimated Total Annual Burden Hours: 38,563.

Estimated Total Annual Cost to Public: \$2,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 25, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021805H]

Request for a Limited Waiver of the Moratorium on Taking Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability.

SUMMARY: The Makah Tribe of Washington State submitted a request to NMFS for a waiver of the moratorium in the Marine Mammal Protection Act on taking marine mammals. The request is available for public inspection.

ADDRESSES: A copy of the request may be obtained by writing Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS/PR2, 1315 East West Highway, Silver Spring, MD 20910

FOR FURTHER INFORMATION CONTACT: Tom Eagle, Office of Protected Resources, 301-713-2322, ext. 105, e-mail Tom.Eagle@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

The request for waiver and supplemental material are available via the Internet at <http://www.nmfs.noaa.gov/pr/>. See Makah Request for Waiver under "Recent News and Hot Topics".

Background

On February 14, 2005, NMFS received a request from the Makah Tribe of Washington State for a waiver of the MMPA's moratorium on taking marine mammals to allow Tribal members to take limited number of Eastern North Pacific gray whales under an aboriginal subsistence quota issued by the International Whaling Commission (IWC). The Makah request to harvest up to 20 whales in a 5-year period; however, in a single year, no more than seven whales could be struck, and no more than five whales could be landed.

MMPA section 101(a) places a moratorium on the taking of marine mammals with limited specific exceptions. MMPA section 101(a)(3)(A) allows and directs NMFS to determine when, to what extent, if at all, and by what means, it is compatible with the MMPA to waive the moratorium. In so doing, NMFS must have due regard for the distribution, abundance, breeding habits, and times and lines of migratory movements of such marine mammals. Formal procedures for waiving the moratorium and issuing pertinent regulations are described in MMPA section 103(d).

Dated: February 23, 2005.

Laurie K. Allen,

Director, Office of Protected Resources, National Marine Fisheries Service.

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